



UNITED STATES PATENT AND TRADEMARK OFFICE

5x
UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/966,334	09/27/2001	James H. Boyden	4000.2.93	3139
32641	7590	09/28/2004	EXAMINER	
DIGEO, INC C/O STOEL RIVES LLP 201 SOUTH MAIN STREET, SUITE 1100 ONE UTAH CENTER SALT LAKE CITY, UT 84111			HENN, TIMOTHY J	
			ART UNIT	PAPER NUMBER
			2612	

DATE MAILED: 09/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/966,334

Applicant(s)

BOYDEN ET AL.

Examiner

Timothy J Henn

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 01/03/2003, 12/09/2002, 12/12/2001.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2, 5-8, 17, 18, 20, 21, 24-27, 36, 37 and 39 are rejected under 35 U.S.C. 102(e) as being anticipated by Karube et al. (US 6,654,050).

[claim 1]

In regard to claim 1, Karube discloses an apparatus for obtaining a video signal from a position proximate an eye level of a person viewing a display screen, the apparatus comprising: a camera (Figure 32, Item 1210) having a housing (Figures 36A and 36B; Items 1310 and 1320) and a lens (Figures 36A and 36B; Item 1331); and an attachment mechanism that removably secures the housing directly to a screen portion of the display screen such that the camera is disposed between the display screen and the person (e.g. Figures 34, 35A, 35B; c. 26, ll. 13-36; c. 27, ll. 4-67).

[claim 2]

In regard to claim 2, Karube discloses the use of a suction cup or a "substantially residue-free attachment" to adhere the camera to the display screen (Figure 34; c. 27, ll.

50-57).

[claim 5]

In regard to claim 5, Karube discloses an attachment mechanism comprising a suction cup fitting (Figure 34).

[claim 6]

In regard to claim 6, Karube discloses a suction cup fitting comprising a suction cup secured to the housing (Figure 34)

[claim 7]

In regard to claim 7, Karube discloses a suction fitting comprising a suction cup having an engagement member (Figure 35B, Item 1403), wherein the housing further comprises an orifice (Figure 35B, Item 1212), and wherein the engagement member is inserted into and realizably retained within the orifice (Figure 35B; c. 27, ll. 32-57).

[claim 8]

In regard to claim 8, Karube discloses an attachment mechanism comprising an adhesive layer secured to the housing (Figures 35A and 35B; Item 1402; c. 27, ll. 36-49).

[claim 17]

In regard to claim 17, Karube discloses an apparatus for obtaining a video signal from a position proximate an eye level of a person viewing a display screen, the apparatus comprising: a camera (Figure 32, Item 1210) housing (Figures 36A and 36B; Items 1310 and 1320); a camera lens (Figures 36A and 36B; Item 1331) contained within the housing, the lens being configured to cause the convergence of light rays

passing through the lens; and a suction cup attached to the housing to removably secure the housing directly to a screen portion of the display screen such that the lens is disposed between the display screen and the person (e.g. Figures 34; c. 26, ll. 13-36; c. 27, ll. 4-67).

[claim 18]

In regard to claim 18, Karube discloses an apparatus for obtaining a video signal from a position proximate an eye level of a person viewing a display screen, the apparatus comprising: a camera (Figure 32, Item 1210) housing (Figures 36A and 36B; Items 1310 and 1320); a camera lens (Figures 36A and 36B; Item 1331) contained within the housing, the lens being configured to cause the convergence of light rays passing through the lens; and an adhesive layer that removably secure the housing directly to a screen portion of the display screen such that the lens is disposed between the display screen and the person (e.g. Figures 35A, 25B; c. 26, ll. 13-36; c. 27, ll. 4-67).

[claims 20, 21, 24-27, 36 and 37]

Claims 20, 21, 24-27, 36 and 37 are method claims corresponding to claims 1, 2, 5-8, 17 and 18. Therefore, claims 20, 21, 24-27, 36 and 37 are analyzed and rejected as previously discussed with respect to claims 1, 2, 5-8, 17 and 18.

[claim 39]

In regard to claim 39, Karube discloses an apparatus for obtaining a video signal from a position proximate an eye level of a person viewing a display screen, the apparatus comprising: a camera (Figure 32, Item 1210) having a housing (Figures 36A

and 36B; Items 1310 and 1320) and a means for converging light within the housing (Figures 36A and 36B; Item 1331); and a means for removably securing the housing directly to a screen portion of the display screen such that the camera is disposed between the display screen and the person (e.g. Figures 34, 35A, 35B; c. 26, ll. 13-36; c, 27, ll. 4-67).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3, 4, 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Karube et al. (US 6,654,050) in view of Moghadam et al. (US 5,917,542).

[claim 3]

In regard to claim 3, Karube discloses all limitations except for a camera which is a wireless camera. However, the use of wireless transmission to communicate data to/from a digital camera is known in the art, one such example can be found in Moghadam (Figure 1; c. 2, ll. 30-50). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to make the camera of Karube wireless as taught by Moghadam to reduce clutter caused by wires running from

a computer to the camera.

[claim 4]

In regard to claim 3, Moghadam discloses a wireless communication protocol which is an IEEE 802.11 protocol (c. 2, ll. 30-50).

[claims 22 and 23]

Claims 22 and 23 are method claims corresponding to apparatus claims 3 and 4. Therefore, claims 22 and 23 are analyzed and rejected as previously discussed with respect to claims 3 and 4.

5. Claims 9, 10, 16, 28, 29 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Karube et al. (US 6,654,050).

[claim 9]

In regard to claim 9, Karube discloses the use of an adhesive to attach the camera but does not disclose the use of double-sided tape. Official Notice is taken that the use of double-sided tape to secure two items together is notoriously well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use double-sided tape as an alternative attachment mechanism to the adhesive disclosed by Karube.

[claim 10]

In regard to claim 10, Karube discloses a display screen (Figure 32, Item 1121) but does not disclose the specific type of display used. Official Notice is taken that the use of flag panel displays (such as plasma displays and liquid crystal displays) is well

known in the art to reduce the amount of space taken up by the display apparatus.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a flat panel display to create a smaller apparatus.

[claim 16]

In regard to claim 16, Karube discloses a camera attachment system which allows the camera to be placed on a display screen in order to coincide the camera's viewing angle with the users line of sight. Karube also discloses that the placement of the camera will necessarily be changed depending on the configuration of the display (c. 26, l. 55 - c. 27, l. 3). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to place the camera in the center of the display when required by the display conditions and the users relative position to the display screen.

[claims 28, 29 and 35]

Claims 28, 29 and 35 are method claims corresponding to apparatus claims 9, 10 and 16. Therefore, claims 28, 29 and 35 are analyzed and rejected as previously discussed with respect to claims 9, 10 and 16.

6. Claims 11, 12, 19, 30, 31 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Karube et al. (US 6,654,050) in view of Jaeger et al. (US 6,606,081).

[claim 11]

In regard to claim 11, Karube discloses all limitations except for an attachment mechanism comprising a magnet secured to the housing. Jaeger discloses an

alternative method of securing items to a display screen by the use of two magnets placed on opposite sides of a display screen (e.g. Figures 11-12; c. 7, l. 48 - c. 8, l. 7). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to attach the camera of Karube using the magnetic attachment mechanism of Jaeger as an alternative method of attachment.

[claim 12]

In regard to claim 12, Jaeger discloses an attachment mechanism comprising first and second magnets (Figure 12, Items 87 and 84) wherein the first magnet is secured to the housing (Figure 12, Items 86 and 87), and wherein magnetic force between the first and second magnets removably secures the housing to the screen portion (Figure 12, c. 7, l. 48 - c. 8, l. 7).

[claim 19]

In regard to claim 19, Karube discloses an apparatus for obtaining a video signal from a position proximate an eye level of a person viewing a display screen, the apparatus comprising: a camera (Figure 32, Item 1210) housing (Figures 36A and 36B; Items 1310 and 1320); a camera lens (Figures 36A and 36B; Item 1331) contained within the housing, the lens being configured to cause the convergence of light rays passing through the lens and an attachment mechanism which attaches the camera in such a way that the lens is disposed between the display screen and the person (Figure 32). However, Karube lacks a first magnet that exerts a magnetic force to removably secure the housing the a screen portion of the display screen.

Jaeger discloses an alternative method of securing items to a display screen by the use of two magnets placed on opposite sides of a display screen (e.g. Figures 11-12; c. 7, l. 48 - c. 8, l. 7). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to attach the camera of Karube using the magnetic attachment mechanism of Jaeger as an alternative method of attachment.

[claims 30, 31 and 38]

Claims 30, 31 and 38 are method claims corresponding to apparatus claims 11, 12 and 19. Therefore, claims 30, 31 and 38 are analyzed and rejected as previously discussed with respect to claims 11, 12 and 19.

7. Claims 13 - 15 and 32-34 rejected under 35 U.S.C. 103(a) as being unpatentable over Karube et al. (US 6,654,050) in view of Kakii (US 5,815,197).

[claim 13]

In regard to claim 13, Karube lacks a camera holder having a pocket, wherein the camera holder is affixed to the display screen such that the camera is able to rest within the pocket. Kakii discloses a camera attachment mechanism comprising a camera holder (Figure 8, Items 240 and 250) having a pocket (Figure 8, Item 230), wherein the camera holder is affixed to the display screen (Figure 8) such that the camera is able to rest within the pocket (Figure 8, note camera 200 resting within pocket) which allows the angle of the camera to be freely changed (c. 16, ll. 2-5). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the

attachment mechanism of Kakii to be able to freely change the angle of the camera.

[claim 14]

In regard to claim 14, Kakii discloses an adjustable title setting (c. 16, ll. 2-5).

[claim 15]

In regard to claim 15, Kakii discloses a lens (Figure 8, Item 203) which is exposed while the camera rests inside the pocket (Figure 8).

[claims 32-34]

Claims 32-34 are method claims corresponding to apparatus claims 13-15. Therefore, claims 32-34 are analyzed and rejected as previously discussed with respect to claims 13-15.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy J Henn whose telephone number is (703) 305-8327. The examiner can normally be reached on M-F 7:30 AM - 5:00 PM, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy R Garber can be reached on (703) 305-4929. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2612

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TJH
9/13/2004



TUAN HO
PRIMARY EXAMINER